

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- | | |
|---|---|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Specification [Total Pages 10]</p> <p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 8]</p> <p>4. Oath or Declaration</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 14 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).</p> <p>5. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> | <p>6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. <input type="checkbox"/> Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p> |
|---|---|

ACCOMPANYING APPLICATION PARTS

- | | |
|---|---|
| <p>7. <input type="checkbox"/> Assignment papers (cover sheet & document(s))</p> <p>8. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>9. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations</p> | <p>10. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>12. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>13. <input type="checkbox"/> Other: _____</p> |
|---|---|

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No. 10 / 342,379

Prior application information: Examinee Z. N. Davis Group/Art Unit: 1625
 For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

15. CORRESPONDENCE ADDRESS

| | | | | | | |
|---|---|-----------|--------------|----------|------------|--------------|
| <input checked="" type="checkbox"/> Customer Number | Customer No. 000210 | | | | | |
| NAME | Raynard Yuro | | | | | |
| ADDRESS | Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30 | | | | | |
| CITY | Rahway | STATE | NJ | ZIP CODE | 07065-0907 | |
| COUNTRY | USA | TELEPHONE | 732-594-0182 | | FAX | 732-594-4720 |

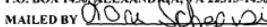
| | | | |
|-----------|---|-----------------------------------|-----------|
| Name | Raynard Yuro | Registration No. (Attorney/Agent) | 45,570 |
| Signature |  | Date | 9/12/2003 |

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT September 12, 2003

EXPRESS MAIL NO. EV321983501US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

MAILED BY  DATE September 12, 2003

09/12/03
U.S. Patent and Trademark Office
Commissioner for Patents,
Box 1450
Alexandria, Virginia 22313-1450

Patent Case No. 20163DACB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application: Examiner Z. N. Davis
Art Unit 1625

Sir, This is a request for filing a Continuation Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 10/342,379 filed on

01/14/2003 of Louis S. Crocker, et al.

(DATE)

(INVENTOR)

for POLYMORPHIC, AMORPHOUS AND HYDRATED FORMS OF 5-CHLORO-3-(4-METHANESULFONYLPHENYL)-6'-METHYL-[2,3]BIPYRIDINYL

(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 10/342,379, as filed on 01/14/2003. The entire disclosure of this prior application is hereby incorporated by reference.
2. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

| FOR | NUMBER FILED | NUMBER EXTRA | RATE | Fee |
|---|--------------|--------------|-------|-----------------|
| Total Claims | 5 - 20 | 0 x | \$18 | \$0 |
| Independent Claims | 1 - 3 | 0 x | \$84 | \$0 |
| *Multiple Dependent Claims | | | \$280 | |
| Basic Fee (minimum amount required) | | | | \$750 |
| * Add this fee if application contains any multiple dependent claims, regardless of number. | | | | \$750 Total Fee |

3. The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. Amend the specification by inserting before the first line the sentence:
-- This is a continuation, division of application Serial No. _____, filed _____.
5. Cancel in this application original claims: _____.
6. Preliminary amendment enclosed.
7. Information Disclosure Statement/PTO-1449 enclosed.
- 8a. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 8b. New formal drawings are enclosed.
- 9a. Priority of application Serial No. _____, filed _____, in _____ is claimed under 35 U.S.C. 119.
(COUNTRY)
- 9b. The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
10. The prior application is assigned to Merck & Co., Inc., Merck Frosst Canada & Co. _____.
11. The undersigned attorney or agent has:
 - a. Power in the prior application as originally filed.
 - b. Associate power, copy enclosed.

Respectfully,



By: Raynard Yuro

Attorney for Applicant(s)

Registration No. 45,570

Telephone: (732) 594-9182

Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907

Date: 9/12/2003

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT 9/12/2003

EXPRESS MAIL NO. EV321983501US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

FILED BY  DATE 9/12/2003

GATE

Enclosure